IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 29843 of 2007(C)

PETITIONER:

RASALAYYAN NADAR, S/O.NANAN NADAR,
KUZHIVILA NADUTHATT PUTHEN VEEDU,
VELLARADA, NEYYATTINKARA.

BY ADV. SRI.SAJU.S.A

RESPONDENTS:
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1. **THE DISTRICT SUPERINTENDENT OF POLICE,**
   THIRUVANANTHAPURAM (RURAL),
   OFFICE OF THE SUPERINTENDENT,
   KURUVANKONAM, THIRUVANANTHAPURAM.

2. **THE DEPUTY SUPERINTENDENT OF POLICE,**
   OFFICE OF THE DY.S.P., NEYYATTINKARA,
   THIRUVANANTHAPURAM.

3. **CIRCLE INSPECTOR OF POLICE,**
   VELLARADA POLICE STATION, VELLARADA,
   NEYYATTINKARA, THIRUVANANTHAPURAM.

4. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY,
   HOME DEPARTMENT, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM.

***ADDL.R5 IS IMPLEADED:**

R5. SUMI, D/O.KUMARI THANKAM,
'SUJIN BHAVAN', KOOTHALI VETTUKUTTI,
VELLARADA VILLAGE, VELLARADA DESOM,
NEYYATTINKARA.

(*ADDL.R5 IS IMPLEADED AS PER ORDER DTD. 15/10/2007 IN I.A.NO.13587/07)

BY ADV. SRI.SUMAN CHAKRAVARTHY for R5
BY GOVERNMENT PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.29843/2007 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF CRL.M.C.NO.1902/2007 DTD. 04/09/2007 FILED BEFORE THE SESSIONS COURT, THIRUVANANTHAPURAM.**

EXT.P2: **COPY OF THE ORDER DTD. 10/09/2007 IN CRL.M.C.1902/2007 OF SESSIONS COURT, THIRUVANANTHAPURAM.**

EXT.P3: **COPY OF THE RECEIPT DTD. 29/09/2007 SIGNED BY THE SAID SUMI AFTER RECEIVING RS.1000/- FROM THE PETITIONER.**

EXT.P4: **COPY OF THE COMPLAINT DTD. 30/09/2007 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.29843 of 2007-C

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that respondents 2 and 3, who are Police Officers, are harassing him at the instance of the additional 5th respondent, who is his daughter-in-law. The son of the petitioner, who is the husband of the 5th respondent, is abroad. The 5th respondent has left her marital home and is residing with her parents. On a complaint filed by the said respondent, the 2nd respondent directed the petitioner to pay maintenance to the 5th respondent @ Rs.1,000/- per month. For the month of September 2007, the payment was effected as evident from Ext.P3 receipt, it is submitted. Because of the harassment from the side of respondents 2 and 3, the petitioner, along with his wife and others, has filed Ext.P4 petition before the 1st respondent and thereafter, this Writ Petition is filed seeking a direction to respondents 2 and 3, not to harass him or his family members. The learned Government Pleader upon instruction, denied the allegations of the petitioner. Since a petition was received from the additional 5th respondent, the parties

were called to the police station to enquire into the matter. The petitioner apprehends that he may be made an accused in a case under Section 498A IPC. Therefore, this Writ Petition is filed, alleging police harassment, it is submitted.

2. We heard the learned counsel for the additional 5th respondent also. He submitted that Ext.P3 receipt was issued on effecting payment of Rs.1,000/- at the residence of the 5th respondent.

3. In this family dispute, we are of the view that the Police have no role to play. We record the submission of the learned Government Pleader that the Police have not harassed the petitioner, but only called him to the police station when a complaint was received. In view of the above submission, the Writ Petition is closed.

K.BALAKRISHNAN NAIR,JUDGE

13.11.2007 **K.P.BALACHANDRAN, JUDGE**

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